

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 31st August 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

PRESENT:

Marjoribanks, The hon. Mr. N. E.	Muhammad Sahib, Mr. T. N.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Muttayya Mudaliyar, Mr. C.
Moir, The hon. Mr. T. E.	Narasimhaachari, Rai Bahadur F. M.
Campbell, The hon. Mr. A. Y. G.	Narayanan Nambudiripad, Rao Bahadur O. M.
Raja of Panagal, The hon. the.	Natesa Mudaliyar, Rao Bahadur C.
Patro, The hon. Rao Bahadur Sir A. P.	Pandrang Row, Mr. Y.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.	Peddiraju, Mr. B.
Abdul Hye Sahib, Mr.	Prabhakaran Tampan, Mr. K.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Premayya, Mr. G.
Adinarayana Chettiyar, Mr. T.	Raghuchandra Ballal, Mr. K.
Appavu Chettiyar, Mr. D.	Raja, Rao Bahadur M. C.
Ari Gowder, Mr. H. B.	Rajan, Mr. P. T.
Arpudaswami Udayar, Mr. S.	Raman, Rao Bahadur P.
Biswanath Das Mahasaya, Sriman.	Ramaswami Mudaliyar, Mr. A.
Boag, Mr. G. T.	Ranganatha Mudaliyar, Mr. A.
Chidambara Nadar, Mr. A.	Sagaham, Mr. P.
Cotterell, Mr. C. B.	Saldanha, Mr. J. A.
Devendrudu, Mr. N.	Sasibhushan Rath Mahasaya, Sriman.
Gopalan, Rao Sahib P. V.	Seturatham Ayyar, Mr. M. R.
Guruswami, Mr. L. C.	Sijayya, Mr. M.
Hegde, Mr. J. Naganna.	Stinivasan, Rao Sahib R.
Heggade, Mr. D. Manjappa.	Subbarayan, Dr. P.
Kesava Pillai, Diwan Bahadur P.	Subrahmanya Pillai, Mr. Chavadi K.
Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.	Tanikachala Chettiyar, Diwan Bahadur O.
Krishnan Nayar, Diwan Bahadur M.	Tulasiram, Mr. L. K.
Krishna Achariyar, Rao Bahadur V. T.	Veerian, Mr. R.
Kuppuswami, Mr. J.	Vellingiri Gounder, Mr. V. C.
MacDougall, Sir Alexander.	Venkataratnam, Mr. B.
Madurai, Honorary Lieutenant.	Wood, Mr. C. E.
	Zamindar of Mandasa.

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I.
QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.]

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.**Assignment of Lands.**

Grants for cultivating land set apart for Adi-Dravidas.

* 2415 Q.—Mr. R. VEERIAN: With reference to question No. 2149 answered at the meeting, dated 16th July 1926, will the hon. the Member for Revenue be pleased to state whether the Government propose to give special grants for cultivating the 322.40 acres of land said to be set apart by the Collector for assignment to Adi-Dravidas?

A.—No such proposal is under the consideration of the Government.

Mr. R. VEERIAN:—"Sir, will the Government be pleased to consider any proposal to grant in addition to darkhast lands some grants of money? For, merely giving lands does not improve the lot of the depressed classes at all."

The hon. Mr. N. E. MARJORIBANKS:—"As to the general question, I am not sure that loans are not given; the matter will be examined."

Mr. R. VEERIAN:—"May I know, Sir, whether Government intend to give free grants, or loans repayable within a certain period?"

The hon. Mr. N. E. MARJORIBANKS:—"Much more likely to be the latter. Anyhow, the matter will be examined."

Forests.

Forest building at Adoni.

* 2416 Q.—Mr. A. KANGANATHA MUDALIYAR: With reference to the answers furnished to question No. 9, dated 18th August 1924, and question No. 415, dated 21st August 1924, at the respective meetings of the Legislative Council, will the hon. the Home Member be pleased to state—

(a) how the two statements made, viz., (1) that the building in question was let temporarily to the Mission on a monthly rental of Rs. 10 and (2) that the building was rented temporarily for hospital purposes, can be reconciled with each other;

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(b) whether in any case the period for which the building was at first temporarily let has expired and, if so, when; and

(c) the steps taken to give the building for use by the Government or quasi-public departments that may be in need of it?

A.—(a) The Conservator of Forests permitted the Pastor of the Telugu Village Mission, Adoni, to occupy the building temporarily for hospital purposes.

(b) No. A month's notice to vacate the buildings has been given.

(c) The question of its future occupation is under the consideration of the Chief Conservator of Forests.

Enforcement of Forest Panchayat Rules in South Kanara.

* 2417 Q.—Mr. J. A. SALDANHA : With reference to the answer given to the question sent by Mr. Raghuchandra Ballal at the last meeting as to the Forest Panchayat rules enforced in South Kanara, will the hon. the Home Member be pleased to state—

(a) whether the concession granted to the cultivators of South Kanara to take green and dry leaves from reserved forests free of payment is subject to the restrictions and conditions mentioned in those rules as to the lopping of unclassified trees of green leaves and removal of green and dry leaves from reserved forests;

(b) whether the concession in question is confined to the cultivators of lands contiguous to the reserved forests or may be extended to cultivators of neighbouring lands who have no reserved or other forests close by for manure purposes; and

(c) what orders Government or the Forest authorities have issued for allowing cultivators to take green and dry leaves free of payment from reserved forests and subject to what restrictions and conditions, if any?

A.—(a) & (c) The following concessions are allowed as an experiment to ryots by the Chief Conservator :—

North Mangalore.

(1) Free removal of green leaves of unclassified species and dry leaves of all species from all reserves;

(2) Clearing of undergrowth of all unclassified species not above 6 feet in height in all reserved (except those near the Coast) to a distance of half a mile from the limits of their private holdings and to a distance of 200 yards in the case of reserves near the Coast; and

(3) Free removal of dead fuel from all reserves without any restriction.

South Mangalore.

(1) Clearing of undergrowth, i.e., of unclassified species in all reserves (with the exception of three reserves worked for fuel).

(2) In the case of the three excepted reserves, clearing of undergrowth is allowed only to a distance of 200 yards from the limits of private holdings.

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(3) Clearing of undergrowth in all areas sown with *Hopea*.

(4) Free removal of green leaves of unclassified species and dry leaves of all species.

The above concessions are allowed subject to the condition that if they are abused they will be withdrawn.

North Mangalore.

(b) The concessions referred to are allowed to cultivators of neighbouring lands also.

South Mangalore.

Cultivators of neighbouring lands also may avail themselves of the concessions subject to the condition that they use the materials for their own lands in the village in which they were cut.

Mr. J. A. SALDANHA :—"Sir, my question was whether those rules do not restrict the right of the ryots to remove dry and green leaves for the purposes of manure. Their right is subject to so many conditions, i.e., that they should protect the forests from fire, etc."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The concessions allowed are given here in the answer."

Mr. J. A. SALDANHA :—"Sir, I am sorry I have not made myself clear. There are concessions, I admit; but where the Forest Panchayat rules are not enforced those concessions are freely enjoyed and where they are enforced there are a number of restrictions. The forest panchayats lay down many restrictions which are not warranted."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I may say, Sir, that there are no regular forest panchayats in South Kanara."

Mr. J. A. SALDANHA :—"Certain Forest Panchayat rules were published in reply to the question put by Mr. Raghuchandra Ballal."

Mr. V. PANDRANG ROW :—"Those rules do not relate to Forest Panchayats proper."

Mr. J. A. SALDANHA :—"Proper or not, those rules were published in *extenso* in answer to Mr. Raghuchandra Ballal's question. These forest panchayats are liable to perform so many duties and therefore they lay certain restrictions on the removal of green leaves which amounts to taking away with one hand what is given with the other."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The point is that the Forest Panchayat rules are not applicable to all forests in South Kanara."

Mr. J. A. SALDANHA :—"The answer given to Mr. Raghuchandra Ballal was in connexion with the forest panchayats established by the Forest department in South Kanara. I refer to those rules and if I am given a minute or two I shall put my finger on the exact page of the proceedings where these rules are published."

The hon. the PRESIDENT :—"Yes."

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Mr. J. A. SALDANHA:—(After a pause) “I am not able to trace the reference; I think I have made myself clear. With reference to the question put by my hon. Friend Mr. Raghuchandra Ballal, a series of rules was published and it is with reference to those rules I ask whether they do not restrict the privilege given to take green leaves for manure.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—
“Regular forest panchayats do not exist in South Kanara. If my hon. Friend wants any more information, I shall be glad to give him if he comes to my room.”

Mr. J. A. SALDANHA:—“They were published in the proceedings. I refer to those rules and not to other rules.”

The hon. the PRESIDENT:—“I think the controversy might be settled out of the Council.”

Government Press.

Disbandment of compositors in the Government Press.

* 2418 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the services of a number of compositors in Settlement section of Government Press were dispensed with;

(b) whether it is a fact that some of them were on permanent staff; and

(c) whether it is a fact that many of them have put in long service?

A.—(a) Yes. As a consequence of the transfer of the printing of settlement registers from the Government Press to private presses the temporary establishment engaged on this work in the Government Press has been disbanded.

(b) No.

(c) The men whose services have been dispensed with have put in service ranging from eleven years downwards.

Rao Bahadur C. NATESA MUDALIYAR:—“Sir, with reference to the answer to clause (c), may I ask whether it is not a hardship to dispense with the services of people who have put in eleven years' service?”

The hon. the PRESIDENT:—“It is a matter of opinion.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—
“I suppose it is a matter of opinion as you have said.”

Local Boards.

Alleged disabilities of Mr. A. Muthusaveri of the Kurumballur Union Board.

* 2419 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Adi-Dravida Union Board member by name Mr. A. Muthusaveri of the Kurumballur Union Board, Perambalur taluk, Trichinopoly district, has been asked to stand outside the Union Board Office during the time of the meeting instead of allowing him to sit along with other members for fear of pollution by the present President or Chairman of the Union Board;

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(b) whether the written statement of the Adi-Dravida member has already been received by the Local Self-Government Department with my letter of the 15th July; and

(c) what steps have been taken in the matter and with what results?

A.—(a) & (c) A report has been called for from the President, District Board, Trichinopoly.

(b) Yes.

Mr. R. VEERIAN:—“Sir, the report referred to in clause (a) was communicated to me by the Secretary to the Local Self-Government Department. It is stated there that the Adi-Dravida Member came there 15 minutes late and took his seat outside. May I ask whether it is not the duty of the President to ask the Member, even though he came late to ask him to sit along with the other Members so that he could also take part in the debate?”

The hon. the RAJA OF PANAGAL:—“If the Member himself was anxious to sit outside, I do not think the President can compel him to sit inside.”

Mr. R. VEERIAN:—“May I know whether Government made any enquiries as to whether the Member himself voluntarily took his seat outside, or whether he was threatened that he would be the cause of pollution and therefore was obliged to take his seat outside? May I ask whether the report of the President is true or whether the report of the Adi-Dravida Member which I already submitted is true?”

The hon. the RAJA OF PANAGAL:—“Government have to accept the report of the President as submitted by him.”

Mr. R. VEERIAN:—“May I know whether they are not going to accept the report of the Adi-Dravida Member; are they going to take that statement as untrue?”

The hon. the PRESIDENT:—“That does not follow.”

The hon. the RAJA OF PANAGAL:—“If the statement of an individual member is contradicted in the report of the President of the Board and the latter is approved as correct, it follows that the statement of the Member is incorrect.”

Mr. R. VEERIAN:—“Was any circular issued to the effect that no distinction should be made between member and member and no one should be forced to sit outside?”

The hon. the RAJA OF PANAGAL:—“The issue of a circular does not appear to be necessary. In every case, members are expected to take their seats in the meeting hall.”

Industries.

Enquiry into the condition of industries like tile-making and weaving.

* 2420 Q.—Mr. J. A. SALDANHA: With reference to the answer given to my question No. 2237 on 17th July 1926, will the hon. the Minister for Development be pleased to state what steps Government are taking for enquiring into the condition of the old industries like tile-making and weaving and for aiding the same by way of relief?

A.—The matter is still under consideration.

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UNSTARRED QUESTIONS.

Forests.

Road projects for forest exploitation in South Kanara and Malabar.

2421 Q.—MR. J. A. SALDANHA: Will the hon. the Home Member be pleased to place before the House a statement showing the number and mileage of new roads made and projected for forest exploitation in South Kanara and Malabar, the directions they take or are proposed to take, and their approximate cost?

A.—Information has been called for.

Reserved forests in Salem district.

2422 Q.—MR. V. C. VELLINGIRI GOUNDER: Will the hon. the Home Member be pleased to state—

(a) what are the portions of unreserve in Salem district, which were declared as reserved forests from the year 1901, with their extent;

(b) under what class those forests have been brought;

(c) what is the position of these reserved forests before and after reservation as regards grazing of cattle;

(d) if restrictions are made in grazing in those forests what provisions have been made to afford grazing facilities affected by reservations;

(e) whether it is a fact that villagers near the Kurichi reserve and its continuation on the southern portion of Velampatti reserve, have been deprived greatly of their grazing facilities on account of that reservation of long enjoyed grazing area; and

(f) whether it is a fact that coupe work in the latter reserve could not be carried on this year on account of poor growth and useless trees?

A.—(a) & (b) A statement* furnishing the information is appended.

(c) The only differences are that grazing fees are collected except for goats which are not allowed to browse and coupes under regeneration are closed to grazing.

(d) Sufficient areas of unreserves have been left in all the surrounding villages for grazing.

(e) Kurichi and Velampatti reserves are open to grazing on permits.

(f) Fuel fellings in the Velampatti reserve were stopped in 1921–22 pending revision of the working plan. A scheme for continuing fellings is at present engaging the Conservator's attention.

Marine.

Representation from the Kanara Indian Christian Civic League.

2423 Q.—MR. J. A. SALDANHA: Will the hon. the Law Member be pleased to state whether Government have received a representation from the Kanara Indian Christian Civic League as to the reconstitution of the administration of the Port of Mangalore and other minor ports and what action has been taken on it?

A.—The representation has been received; but the Government do not propose to take any action on it at present.

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[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

NON-OFFICIAL BUSINESS.

II

THE MADRAS CITY TENANTS' PROTECTION ACT (AMENDMENT) BILL.

11-15 **Mr. L. C. GURUSWAMI** :—“ Mr. President, Sir, I beg to present the Report ^a of the Select Committee on the Bill to amend the Madras City Tenants' Protection Act, and move that the Bill, as amended, be taken into consideration.”

Rao Bahadur M. C. RAJA :—“ I second it.”

The motion was put to the House and carried.

Mr. L. C. GURUSWAMI :—“ I now move that the Bill be passed into law.”

Rao Bahadur M. C. RAJA :—“ I second it.”

The motion was put to the House and carried, and the Bill as amended by the Select Committee was passed into law.

III

THE MADRAS LOCAL BOARDS ACT (AMENDMENT) BILL (OF MR. R. VEERIAN).

* **Mr. R. VEERIAN** :—“ Sir, I beg to present the Report ^b of the Select Committee on the Bill to amend the Madras Local Boards Act, 1920, and move that the Bill be taken into consideration.

“ It has been held in the judicial decisions of the High Court that all classes of persons can use the public roads and pathways without any obstruction whatever. In spite of these, doubts have been expressed as to the rights of all people to use the public roads and pathways, as for instance, in Kamalapuram and in Rasipuram in Salem district, in Singanallur in the Coimbatore district, and in Aruppukottai in the Ramnad district. We are well aware that, on the recommendation of this hon. House, the Government were pleased to pass a G.O. No. 2660 to the effect that all classes of persons can have free access to the public wells, tanks, roads, etc., without any obstruction whatever. But, it seems, no effect has been given to that Government Order. Unless effective steps are taken by allowing the local boards to deal in an effective manner in the case of obstruction to public roads and pathways, it is not at all possible to give effect, not only to the Government Order passed, but to the decisions of the High Court also.

“ Therefore, Sir, it is sought in my Bill to penalize the offence by a fine, and I am glad to point out that the public markets have also been included in my Bill. There are instances where members of the depressed classes have no access to the public markets to purchase things that they may need, and I am very anxious, Sir, to give them some status, and to make other communities regard them at least as human beings, if not as their own brethren. I am very glad that the members of the Select Committee were kind enough to accept my Bill, as far as the use of public roads and pathways are concerned. With reference to wells, it has become a controversial point, and I do not want to press it just now. I am sure that time alone can rectify matters,

* Published in the *Fort St. George Gazette*, dated 24th February 1925, Part IV.

^b Printed as Appendix II on pages 403-408 infra.

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[Mr. R. Veerian]

and am glad that Members of the Select Committee have accepted my proposal to that extent. My community and I will be thankful for the mercies shown, though they be small. Taking the aspirations and the feelings of the depressed classes into consideration, I hope that this Bill will be passed unanimously. And the members of my community will feel thankful not only to the Members of the Select Committee but also to the hon. Members of this House for their benevolence, kindness and political sagacity."

Rao Bahadur M. C. RAJA :—" I second it ",

* Mr. J. A. Saldanha :—" I rise to support this motion with all my hearts and, in doing so, I wish to congratulate Mr. R. Veerian on the crowning glory of his very self-sacrificing and noble activities on behalf of the depressed classes inside and outside this Council for the last three years. I have known his work outside as we have done within the Council. I have travelled with him, and I know his travels and his correspondence are wide and of substantial benefit to his community. In every Meeting he has brought to the notice of this House the grievances of his community. There are papers like the *Madras Mail* which disapprove of the large number of questions in the Council, but considering the disabilities of the Adi-Dravidas in India, and notably in this province, I think the questions we put are not too many. They help to throw the search light on . . . "

* The hon. the PRESIDENT :—" But, how is all this relevant to the point at issue? The question is not that Mr. R. Veerian be taken into consideration, but that his Bill be taken into consideration? "

* Mr. J. A. Saldanha :—" What I wished to say was that this was the crowning act of his activities. "

The motion was then put to the House and carried.

* Mr. R. Veerian :—" I move that the Bill be passed into law. "

Rao Bahadur M. C. RAJA :—" I second it. "

Diwan Bahadur M. Krishnan Nayar :—" May I know if each of the clauses, will be taken up separately, or the Bill as a whole? I only suggest that as there are no amendments the whole Bill may be passed. "

The motion was then put to the House and carried, and the Bill was passed into law.

IV

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (OF

. MR. J. A. SALDANHA.)

* Mr. J. A. Saldanha :—" Mr. President, Sir, I beg to present the report of the Select Committee on my Bill to amend the District Municipalities Act and the Madras Local Boards Act. The Select Committee's Report has been published in an extraordinary issue of the *Fort St. George Gazette*, for which I have to offer my thanks to my hon. Friend, the Secretary to the Local Self-Government Department. As all the hon. Members are in possession of the report, I need not read it. It may be taken to have been read.

" The Select Committee, I may mention, have decided to confine my Bill to the District Municipalities. But, originally, it was rather more comprehensive, and I intended that it should cover a wider ground by being applied to

[Mr. J. A. Saldanha]

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private roads also to which any public funds were applied even for lighting. But the Select Committee thought it best to run my Bill parallel to that of Mr. R. Veerian, and confine it to roads vested in or maintained by local bodies (municipalities) only, and to roads only because I had confined it to roads and not extended it to tanks and market places. The principle of the civic right of all citizens to the use of all roads which might be private, but which, since they are maintained by the municipalities, are public roads, is made clear by this Bill. The civic right of all citizens, without distinction of caste or religion, to the use of roads is well recognized by this House, though, in practice, it has been denied to thousands and millions of our citizens.

"From what has come to my knowledge, the Government have paid some regard to the vote of this House and to the cry of the Depressed classes. Now, I propose, along with my hon. Friend, Mr. R. Veerian, to legalize and give a statutory basis to the resolution of the Government, so that all classes will have free use of the roads.

11-30
a.m.

"From a personal point of view I may also mention, Sir, that there are a large number of people—and as the House is aware, a good number are still considered as depressed classes—who are excluded from the use of public roads in certain parts of the Presidency, for instance, in Palghat. I was, therefore, obliged to bring a Bill of this nature, and I hope this House will accept this measure as reported by the Select Committee.

"I beg to move that this Bill be taken into consideration."

* Mr. R. VEERIAN :—"Sir, I beg to second it. In doing so, I wish to state that there are difficulties in municipal areas also, and I am sure that this Bill will help a good deal in removing them. A Bill of this sort is also very essential. In fact, my hon. friend, by bringing this Bill has become a regular liberator of the so-called depressed classes, and the credit does not go entirely to the Members of the Select Committee: for, a part of it is also due to the hon. the Chief Minister and to the Mover of this Bill. With these few words, Sir, I beg to second the motion."

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I have not had a copy of the report or the requisite papers for considering this question. Just now we considered the Bill of the hon. Mr. Veerian. From the speech which I heard from the hon. Mr. Saldanha, I think it is a different measure."

* Mr. J. A. SALDANHA :—"No, no."

* The hon. the PRESIDENT :—"The one applies to Local Boards and the other applies to District Municipalities."

Rai Bahadur T. M. NARASIMHACHARLU :—"It says: 'All streets vested in or maintained by a municipal council shall be opened to persons of whatever caste or creed.'"

* Mr. K. PRABHAKARAN TAMPAN :—"On a point of order, Sir. As I understand the speech of my hon. friend, he objects to the merits of the Bill. I take objection to it on a point of order. Members have not been provided with the Select Committee's report and, under Standing Order 44, I, as a Member, object to the reading of the Bill to-day. We have not been given sufficient time to go through the Bill."

* The hon. the PRESIDENT :—"I understand the report has been sent to all the Members."

(VOICES :—"No, no").

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* Mr. K. PRABHAKARAN TAMPAN :—“The Select Committee report was signed by the Members only on the 27th August and the people concerned have not been given an opportunity to know what the import of the Bill is. Nor are we, Members of this Council, in a position to give notice of amendments. Therefore, Sir, under Standing Order 44, I beg to take objection to the introduction of this measure now.”

Rai Bahadur T. M. NARASIMHACHARLU :—“That is my very complaint, Sir. We have not had a copy of this Bill. In respect of important Bills like this, it is better that all Members are provided with copies and the usual time allowed by the Standing Orders should also be given to us for consideration.”

* Mr. J. A. SALDANHA :—“Sir, this Bill was published in an extraordinary issue of the *Fort St. George Gazette* on Friday. It was placed on the library table, and I find many Members have also received copies yesterday from the Secretary of the Legislative Council. I received a copy and several others have also received it. I would point out to my hon. Friend Mr. Narasimhacharlu and to the other Friend who objected, Mr. Prabhakaran Tampan, that this measure does not go a bit beyond Mr. Veerian's Bill. Mr. Veerian's Bill says that everybody should have free right to use roads which are maintained by or are vested in local boards. It also goes a little further and includes public markets. But my Bill is narrow and is confined to roads which are vested in or are maintained by municipalities. Most of the troubles which have arisen and which have come to the notice of the public by riots, etc., were in municipalities. If this House is disposed to pass the other Bill which is confined to roads vested in local boards . . .”

* The hon. the PRESIDENT :—“Order, order. This is all on the merits of the Bill.”

* Mr. J. A. SALDANHA :—“I only say that no notice was necessary. There has been a formal notice in the Government Gazette and after all, this Bill does not require more than a minute or two to be read through. I think the hon. Members will not raise what is after all a mere technical objection. They have understood that the purport is more or less the same as that of the previous Bill that has been passed. It is only carrying technicality to unnecessary lengths if we are to object to this Bill which I believe will be a credit to this Council, if passed. It will be one of the few Bills that stand to the credit of this House. I hope my hon. Friend who has always got sympathy, both in theory and in practice, for the Adi-Dravidas and the hon. Mr. Prabhakaran Tampan on the other side who knows the conditions in Malabar, will not raise this technical objection just because by some mischance the publication of the Bill was delayed. If really there was anything more complex in this Bill than in the other one which has already been passed, I should have said: ‘Very well, let us put it off’. But as we are at the far end of the Council, this cannot be put off, and I would earnestly entreat my hon. Friends to waive their objection.”

* Mr. A. CHIDAMBARA NADAR :—“Sir, I rise to object to the point of order raised by my hon. Friend, Mr. Prabhakaran Tampan. I may say that the Bill was published in English on the 29th September 1925 and in Tamil, Telugu, Kanarese and Malayalam on the 20th October 1925. So, sufficient notice has been given to all the Members. They were aware of the existence

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of such a Bill and as such, they ought to have expected that the Bill would come before this Council. At the same time, I find no meaning in the objection; for, as stated by my hon. Friend, Mr. Saldanha, this Bill is more or less on the same lines as the Bill introduced by my hon. Friend, Mr. Veerian. When no objection has been raised with regard to that Bill which relates to roads maintained by local boards, I do not see why this Bill should be objected to, when it relates to roads maintained by the municipalities. In towns and big places we do not raise so much objection to these depressed classes passing along the public roads; but it is only in the villages that such objections are raised. Perhaps there may be one or two recent cases in the minds of the Members who object to the Bill; but still, Sir, so far as I can see I do not think there is any reason for objecting to this Bill. With these few words, I oppose the point of order raised by Mr. Prabhakaran Tampar.

* Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—"I have got a doubt with regard to this matter, Sir. I see from the papers that it has been published on the 27th August 1926. I would like to know from the hon. the President if there is any objection to the Bill being passed into law to-day at such short notice. If I remember aright, there is some rule which requires 15 days' time. If the Bill does not transgress any rule, and if the legality of this Bill will not be questioned later on, I should very much like the Bill being taken up at once; but if there is to be any doubt on that ground, I should suggest the postponement of the Bill till such time as is prescribed by law."

* The hon. the PRESIDENT:—"The President has the discretion to suspend the Standing Order 'if the report has not been available for the use of Members for 15 days'. My difficulty is not about the number of days, but as to whether the Bill as amended by the Select Committee actually came into the hands of Members. A fairly large number of Members say that the Bill as amended has not come into their hands, though still it has come into the hands of the Council."

* Mr. K. PRABHAKARAN TAMPAN:—"It was signed only on the 27th of this month."

Rai Bahadur T. M. NARASIMHACHARLU:—"I can say positively that I never got any copy of this Bill! Even one such complaint is enough. The question is whether the Secretary posted it to reach the Members in time. That may be a safe test. You can ascertain it, Sir, from the Secretary as to whether he posted them in time to all Members. For my part, I have not received a copy of this Bill at all."

* Mr. K. PRABHAKARAN TAMPAN:—"If my memory is right, Sir, the original Bill of my Friend was to amend both the District Municipalities Act and the Local Boards Act. I think the Select Committee amended it in such a way that it now applies only to the District Municipalities Act. The very fact that the Select Committee thought it desirable to publish the Bill as amended shows that radical alterations have been made in the Bill by the Select Committee. It is therefore highly necessary that all Members must be acquainted with the Bill as passed by the Select Committee. I for one would take time to send in the necessary amendments. If you do not adjourn the

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Bill, Sir, I will be handicapped. Therefore, as a matter of right, I request you to be good enough not to exercise the discretion that is vested in you and allow the Bill to be proceeded with."

Rai Bahadur T. M. NARASIMHACHARLU :—" There is one other thing, Sir. In the other Bill the word 'roads' was used ; but here the word 'streets' is used. There is great difference between a road and a street, and there is difference also as between the municipalities and the local boards. In a municipality, all the streets within the municipal limits are vested in the municipality, whereas in the case of the local boards, it is only the roads that are vested in the local boards and not the streets, lanes or anything of the kind. Therefore, Sir, the question of streets in the municipality is a very big question and it is visited with all sorts of difficulties. I submit, Sir, the question is not so very formal as the hon. Member, Mr. Saldanha, puts it. If the word 'roads' is used here, perhaps we might not have any objection; but the word 'streets' is used here and 'streets' include every lane in a municipality. I therefore submit, Sir, that it is a very big question and request you not to suspend the operation of the Standing Order."

* Mr. J. A. SALDANHA :—" Sir, the formal objection raised by hon. 11-45
Members that copies of the Bill have not been received by them may be met a.m.
by the fact that the Bill has been read to-day. Hon. Members who have not received copies have had the benefit of the Bill being read to-day before it is taken into consideration.

" Sir, my hon. Friend raised the objection that the words 'road' and 'street' are used indiscriminately; and that there was much distinction between the two terms. The word 'road' is used in the Local Boards Act, while the word 'street' is used in the District Municipalities Act. In fact, there seems to be no distinction at all between the two. In the one case the term 'public road' is used, and in the other 'public street' is used. Evidently what is a road in a village becomes a street in a town; perhaps it is an honorific term used in the case of towns. Apart from this, I find no distinction between the two. Again, look at the definition of the term 'street'. It includes roads, alleys and everything. So that, this objection is but a formal one.

" As for sufficient time being given for hon. Members to send in their amendments, I think, Sir, a day may be given for the purpose. There is the Malabar Tenancy Bill to come up again, and this may be taken on the same day. I do not think more than a few minutes will be taken for hon. Members to settle any objections that may be raised. And my hon. Friends who are so particular about this formality will have ample time to send in their amendments, if you are pleased to suspend the Standing Order, so as to allow of amendments being brought on Thursday. I think my hon. Friend will have no objection to this course. If however my hon. Friend wants to cut me up (pointing to Mr. Prabhakaran Tampan who made some sign) for other reason, I should point out that this measure is not the less important so far as he is concerned. Surely, Sir, I do not think such signs as my hon. Friend now made are permitted."

* The hon. the PRESIDENT :—" Signs are not within the cognizance of hon. Members. Only speeches are."

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* **MR. J. A. SALDANHA** :—"I should point out, Sir, that this measure affects the district represented by my hon. Friend more than it affects South Kanara. The restrictions imposed in regard to the use of roads in my district are not so strict as in Malabar. In a town like Palghat, even Christians are prohibited from using some roads. I think Mr. Tampan should know better than myself in this matter. And he should be the last person to cut me up. It will not be to his own credit to oppose the motion on a technical ground and make a sign to cut me up. It is not such an easy matter to cut me up. My spirit, at any rate, cannot be cut up."

* **The hon. the RAJA OF PANAGAL** :—"Sir, personally, however much I may be in sympathy with the object of the hon. Mover in introducing this Bill, since objection has been raised by hon. Members I leave it to you, Mr. President, as to what should be done. There is no doubt that there has been a change in the form of the Bill after consideration by the Select Committee."

* **The hon. MR. N. E. MARJORIBANKS** :—"I am sorry not to be able to speak more definitely but I am informed that the sanction of the Governor-General has not been obtained for the Bill in its present form. It was obtained to Mr. Veerian's Bill and, I presume, it will be necessary for this Bill also. I am told—I am sorry I cannot speak more definitely—that sanction has not been obtained for this Bill."

* **MR. J. A. SALDANHA** :—"Sir, I remember that sanction has been obtained. I was asked to obtain the sanction. I applied for sanction and the Bill went to the Governor-General. I have not got the papers here."

* **The hon. the PRESIDENT** :—"If that is certain, it is a very serious objection. In the case of other Bills you find the preamble stating, 'whereas the previous sanction of the Governor-General has been obtained.' Here no such thing occurs. In view of this serious difficulty, I do not think we can proceed with this Bill."

* **MR. J. A. SALDANHA** :—"Sir, I submitted two Bills. My original Bill covered a wider ground and sought to affect the definition of the term 'public road' as given in the General Clauses Act. Then, Sir, objection was raised by the Law Department that the sanction of the Governor-General should be got if the Bill was to cover such a vast ground. I think, my hon. Friend, the Law Secretary, will bear me out when I say that." I thereupon applied to the Governor-General for sanction. In my later Bill as I confined the provisions to a narrow ground, the Department thought that no sanction was necessary. They said that, if I was going so far as to change the definition in the General Clauses Act, the sanction was necessary. And I obtained the sanction in that case. But my present Bill is narrower in scope and is not so complex."

* **The hon. the PRESIDENT** :—"We are here on the question of fact whether sanction has been received or not. May I suggest to the hon. Member that he may postpone bringing up this question till after he has ascertained from the Government whether the sanction of the Governor-General has been obtained?"

* **MR. J. A. SALDANHA** :—"My point is whether it is necessary at all since my later Bill is confined to narrow limits."

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* The hon. the PRESIDENT :—"That is necessary ; there is no doubt about it."

* Mr. J. A. SALDANHA :—"I remember of some correspondence whether sanction was necessary in the case of my second Bill."

* Mr. A. RANGANATHA MUDALIYAR :—"Now that you have thrown out a suggestion, will it be too much to expect the Government or the Law Department to say whether or not sanction has been received?"

* The hon. the PRESIDENT :—"They are finding it."

Rai Bahadur T. M. NARASIMHACHARU :—"I think there is one penalty clause in the Bill which requires the sanction of the Governor-General."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I think the Law Secretary who is here will tell us what has happened."

* The hon. the PRESIDENT :—"Yes ; the hon. Member has sent word to the Department."

* The hon. the RAJA OF PANAGAL :—"The real difficulty is that the Bill as it has emerged from the Select Committee has taken a different shape. I take it that the objection which my hon. Friend (referring to the hon. Mr. Marjoribanks) raised was that in its present form the Bill had not received the sanction of the Governor-General."

* Mr. J. A. SALDANHA :—"In the circumstances, I beg to move

'that the consideration of the Bill be postponed till after the rest of the non-official business has been done.'"

* Mr. A. RANGANATHA MUDALIYAR :—"I second it."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, my objection has not yet been answered."

* The hon. the PRESIDENT :—"We need not consider that, if it is ascertained that the Governor-General's sanction has been got."

The motion to postpone consideration of the Bill was put and carried.

V

THE MADRAS ELEMENTARY EDUCATION ACT (AMENDMENT) BILL
OF MR. J. A. SALDANHA

* Mr. J. A. SALDANHA :—"I beg to move

'that the leave of the House may be granted to introduce the Bill to amend the Madras Elementary Education Act, 1920.'

"I think, Sir, I may be allowed to read the Bill for hon. Members. I have sent copies of the Bill. But that was long ago. With your permission, Sir, I shall read the provisions."

* The hon. the PRESIDENT :—"The hon. Member has to explain the Bill, only in case it is opposed. If the Bill is not opposed, there is no need to make a speech."

The hon. Rao Bahadur Sir A. P. PATRO :—"At this stage, I do not want to oppose the Bill though it is a highly controversial measure. It is purely intended to advertise a particular class in regard to which my hon. Friend is

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so anxious in asking questions. The hon. Member may satisfy his intention of publishing the Bill. On its merits I have to oppose it, but at present I do not object to leave being granted."

The motion that leave be granted to introduce the Bill was put and carried.

* Mr. R. VEERIAN :—"On a point of order, Sir. The motion has not been seconded."

* The hon. the PRESIDENT :—"It is too late to raise the point of order."

VI

A BILL TO DECLARE THE KIRLAMPUDI ESTATES TO BE IMPARTIBLE OF MR. O. TANIKACHALA CHETTIYAR.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—"Mr. President, I beg leave to introduce the Bill to declare the Kirlampudi B and C estates, and Dontamuru and Rayavaram Estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

"Mr. President, I may say that this Bill has already been published in the Gazette as per orders of His Excellency the Governor under rule 18. Sanction of the Government of India has been accorded by letter dated 1st June 1926 for the introduction of the Bill. Thereupon, having regard to the short term of the Council, I applied to His Excellency under rule 18 for permission to have this Bill published without waiting for its introduction in the Council. Rule 18 reads as follows :

"The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again."

"Having got the permission for the publication of the Bill, I now beg to move—

'that the Bill be read in Council.'"

12 noon. Dr. P. SUBBARAYAN :—"I second the proposal of my hon. Friend. It is a well-known fact that estates are divided into bits and that old families go out of existence and lose their importance by the property being divided into very small portions by each successive holders of estates. It is a well known rule especially in England where the law of primogeniture is followed that big families are kept up by, what they call, a settlement. As the present holder of the estate has no debts whatever, I do not think there is any objection to this measure being passed into law."

*Sriman BISWANATH DAS Mahasaya :—"I object to the introduction of the Bill being read in the Council. Sir, it has been the desire of the landholders of Madras, as in the case of landholders of other provinces, to have their estates being declared by statute as impartible and inalienable. In 1893, the Madras Landholders' Association applied to the Government of Madras to declare by a statutory enactment that some estates should be declared impartible and inalienable. The Government of Madras were not willing to take such a measure and there were a number of litigations pending in the High Court and in various other mufassal courts for partition of

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these estates. However, the Government in course of time, we do not know how, changed their mind, and recommended the petition of the landholders of Madras for enactment of an Act. I am sorry, Sir, that such a measure should have been undertaken by this Government, which is wholly opposed to the spirit of Permanent Settlement Regulations of 1802. The idea underlying a declaration, by statutory means, of the rights of impartibility and inalienability was that these estates were held as military fiefs by certain zamindars, whatever may have been the original nature of the grant. But, since the advent of Britain, these zamindaris changed hands from time to time. In fact, it is a well-known fact that during the regime of the East India Company these zamindaris were sold or put to auction, and, as such, the highest bidder got the estates. In many cases, the old families have disappeared and new families became zamindars. It has been also admitted, in introducing the Bill in 1902 by the hon. Mr. Thomson who says:

'The answer is given in the first part of the papers put into the hands of hon. Members and is, briefly, that while impartibility and succession by primogeniture were the essence of the ancient zamindari tenure these attributes are wanting in modern zamindaris, and they are subject to the ordinary law of partition and succession.'

'Continuing, hon. Mr. Thomson says :

'From impartibility and single succession to the negation of alienation at the will of the holder is less than a step: the *corpus* of the property had to remain sole if the purpose of the grant was to be duly effected; and this quality was only another form of the restraint imposed by the superior, and was bound to continue while the superior was able or cared to maintain his relative position.'

'Sir, I would again refer the Members of this hon. House to the Permanent Settlement Regulations, section 8, wherein it has been clearly defined that

'Proprietors of land shall be at free liberty to transfer without the previous consent of the Government, or of any other authority, to whomever they may think proper, by sale, gift or otherwise, their proprietary right in the whole or in any part of their zamindaris; such transfers of land shall be valid, and shall be respected by the courts of judicature and by the officers of Government.'

'Sir, in direct contravention to the provisions of the Permanent Settlement Regulation, which the landholders so much applaud, an Act has been enacted in 1904 declaring certain estates, I take it, at first it was 134, to be impartible and inalienable. However, Sir, the pendency of the suits was left out of account under section 8 of the Act and, in course of time, the courts have rightly declared that the estates are alienable and partible and so leaving these estates out of account, we have now 127. This schedule was embodied in the Act, after a close examination by the Government of Madras extending for over two years. They appointed a special officer to study the condition and to study the nature of every zamindari, and arrived at the conclusion. After 1904 till 1920, that is, till 16 years have elapsed, the Government of Madras did not find it necessary to bring any amendment either to the Act or to the schedule. Now, Sir, in this reformed Council, of course, with very great respect to my hon. Friend from Madras, I should say that he has for the first time come forward with an amending Bill to add one more estate to the schedule. Sir, if the hon. Members of this House are to take such steps, that is, to add to the schedule a number of zamindaris by making them impartible and inalienable, I think, there will be no end. The schedule will have to be swelled in course of time. I beg to submit that this is a legislation which I call, and do deliberately call, anti-social and anti-democratic: anti-social in the sense that the landholders make no provision

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whatsoever for their brothers. Of course, I, as a tenant, and as a ryot, do lose very little whether an estate is alienable or inalienable. But, it is a very great and a standing grievance that no provision whatsoever has been made for the brothers of the landholders. A very great agitation was set afoot in the year 1902 when the Impartible Estates Act was being enacted. Referring to the agitation, the hon. the Maharaja of Bobbili, father of the present incumbent whose estate is proposed to be made impartible and inalienable, made this observation in the Council: I quote from his speech:

'Though there was a great deal of criticism on this legislation, the Government should not, I think, attach much weight to it, because, in some cases it was paid for, and in other cases it came from uninterested persons. I have got no brother to deprive him of his right in my estate by this legislation. But, on the other hand, I have two sons whose interests are objects of my solicitude equally. I should like more that my younger son and his children draw handsome allowances from the estate than get a portion of it, after perhaps a tremendously expensive suit for which he may have to sell the most part of what he may get or his children become nameless tenants.'

"The Maharaja goes further and says:

'If the estate remains impartible, and therefore inalienable, all members of the family will ever look for help to the holder of the estate on all occasions for help such as marriages.'

"I beg to submit, Sir, that this hope was never realized. The result is that the brothers of these ancient aristocratic families, who first lived a rich and luxurious life come out as penniless vagrants after the death of their father. That has been the state of affairs and that has been the effect of the Impartible Estates Act of 1902 and 1904. Again, Sir, I, as a tenant and as a man of this province, have also to record my protest both against the Act and against the amending Bill on the ground that the zamindars after the inclusion of a certain estate in the schedule lose their right of alienating any portion either as gift or even for a lease without the permission of the Board of Revenue under certain conditions. And then, Sir, if to-day we, the hon. House, pass the Bill, to-morrow some other hon. Gentlemen may come forward with another Bill proposing addition to the schedule. We, in the Ganjam district, have four or five estates which have not been included in the schedule. If this is included, I do not find any reason why other zamindaris like Tekkala, Nandigama, Attagada, Tarala in Ganjam and the proprietary estates of Barua and Aska and some other estates should not be included. We, in Madras also, may be attracted by the idea of establishing the principle of primogeniture in our families. There will thus be no end to all this. In the above circumstances, I very strongly and vehemently oppose this Bill. I do hope that my hon. Friend, a democrat of democrats, will not press his motion. With these words I oppose the Bill."

* The hon. Mr. N. E. MARJORIBANKS:—"Mr. President, Sir, I am sorry that the Government on the Reserved side are unable to support this Bill. The Bill is not in accordance with the principles which underlie the Madras Impartible Estates Act, 1904. The main principles of that Act, if I may put them broadly, are:

- (1) that ancient zamindaris and estates of like nature which have descended impartible continuously from 1802, i.e., from the date of the Permanent Settlement Regulation and of which no partition since that date could be proved, are impartible; and
- (2) that the powers of the estate for the time being should be those of the managing member of a Hindu family governed by the ordinary law of succession.

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"The first of these principles was strictly followed in framing the schedule to the Act and that schedule excluded estates which though in existence before 1802 had subsequently passed out of the hands of the ancient proprietary family, or had been partitioned under judicial decrees or otherwise. An exception was made only in the case of the estates or portions of estates which, though temporarily out of the hands of the hereditary family, had subsequently been restored to their possession by purchase or otherwise. Ancient estates, or portions of ancient estates which had been alienated and had subsequently come into the hands of the holder of a scheduled estate which was not a portion of the estate, were not included in the scope of the Act. The original estate of which the Kirlampudi, Dontamaru and Rayavaram estates are portions was the Peddapur estate. That estate was the subject of litigation so long ago as 1810, and a portion of it was divided from the estate for the satisfaction of a claim in that year. This might raise the question, which I do not think it is necessary to go into, whether this estate will not be regarded as outside the Act, as it has not been impartible since the date of the permanent settlement in 1802. Further, of course, the present holder is not a descendant of the original family, although he no doubt belongs to a very distinguished zamindari family. That is the main reason why we feel that we cannot support this Bill. At the same time, it is obviously not open to many objections I have heard expressed, for example that if this Bill be passed anybody else can come forward with similar proposals. There are of course considerable differences between an auction purchaser and the descendant of a zamindari family. The Government, therefore, cannot vote for the Bill. But they do not wish to put any pressure on any official Members of the Council, and leave them to vote as they may think fit."

* Mr. K. PRABHAKARAN TAMPAN :—"I wish to support the motion that is before the House. In this matter, we have to consider only three points, whether the property which is proposed to be brought under the Act of 1904 is new to the incidence of impartibility. It has been said in the Statement of Objects and Reasons of the Bill that the property was originally impartible. Then, secondly, Sir, those who are involved in the estate stated that they were willing to include this under the Act. The Maharaja of Bibbili and his son, the Raja of Bobbili, and then the proprietor of the estate and his son have all expressed their eagerness and desire to include it under the Act. I am told, Sir, that the property is without any encumbrances, there are no claimants to dispute the validity of the enactment. Then the second son of the proprietor, is said to have been adopted by a rich family in Hyderabad. So, all those people who have got any interest in the estate have expressed their willingness to make this property inalienable. Then, thirdly, Sir, it also appears it is a very rich estate. It is in the interest of the community that the estates of some families are made inalienable and properties conserved in their hands, and I may say also it is not so much in the interest of the estate itself as in the interest of the community at large that the property should be made impartible. We have often found in times of adversity and national calamity, landholders willingly come forward with their assistance to the relief of the poor people and the State. A healthy State therefore must have rich people among its subjects, and therefore it is highly necessary that some at least should be allowed to conserve wealth in their hands."

"Sir, objection has been raised by my hon. Friend (Mr. Biswanath Das) that this is an anti-socialistic and anti-democratic measure, anti-socialistic in

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the sense that the junior members of the family are not given any property, and he quoted the authority of the Maharaja of Bobbili himself. If there are any mistakes in the Act of 1904, it is open to this House to amend the Act and to redress the grievances of junior members. But this is not the occasion or place to raise that question. It is said that the measure is anti-democratic. The zamindar takes only a nominal income from the ryots, and this Bill does not affect the rights of the ryots. The ryots can transfer their rights to other people and deal with their rights as they choose."

* Sriman BISWANATH DAS Mahasaya :—"On a matter of personal explanation, Sir, I have already made it clear in my speech that this has nothing to do with the ryots."

* Mr. K. PRABHAKARAN TAMPAN :—"That was one of the questions he raised when he said that it was an anti-democratic measure. Sir, I am one of those who think that this House should not hesitate to pass this Bill. I therefore heartily support this measure."

* Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur :—"Mr. President, Sir, my hon. Friend, Mr. Biswanath Das, said that strong, vehement objection should be taken by all democrats to this measure. I am personally a ryot myself. I do not think my hon. Friend will deny that I am also a democrat, though not a democrat among democrats. Here, I would simply quote the instance of Great Britain in this matter. That is a country which is most democratic in the world, and even there, these impartible estates have been perpetuated, and not only perpetuated but as a matter of fact there is a regular House of Peers, a separate House of Peers sitting in that most democratic of governments."

"So far as the general principle is concerned, I am in perfect agreement with my hon. Friend. But I would say that each case must be viewed on its merits, and no case should be made to suffer on general principles."

* Sriman BISWANATH DAS Mahasaya :—"I am sorry for the interruption, since I have no opportunity to reply. May I remind my Friend that in Britain brothers get the personal property of the father, and the real property goes to the eldest brother. But in the present case, in our zamindaris, the brothers get nothing."

* Khon Bahadur P. KHALIF-UL-LAH SAHIB Bahadur :—"As regards the merits, to continue what I have said, I understand that there is not one single person that suffers by this proposed legislation. My hon. Friend Mr. Prabhakaran Tampan has explained to us giving details as to how there is not a single individual who will suffer by this legislation. So, I strongly support the measure that has been placed before us, because I hope that a few such estates found in a democratic country are certainly forces for the progress and improvement of the nation as a whole."

* Mr. A. RANGANATHA MUDALIYAR :—"Will I be in order, Sir, if I ask for an adjournment of this question?"

* The hon. the PRESIDENT :—"Oh, yes."

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, with your permission, I move 'that the discussion of this question be adjourned sine die.'"

"My reason is that this is a private measure, and not a Government measure, on which it can be said that very much depends. The matter is not so urgent

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that it should be disposed of immediately. After all, I do deprecate the use of the machinery for legislation reserved for extraordinary occasions for the benefit of a private individual, however high he may be in social scale. We have all heard of the reasons urged for the adjournment of a more important matter a few days ago, and I think all those reasons apply with even greater force in regard to this matter. After all, the delay, if any, would be only a matter of two months, and I do not understand why we should be in such great haste as to rush this measure through to-day. I also appeal to the Members on the Treasury Bench. They are here to establish proper traditions for us, give us good precedents, to follow in similar circumstances, and I do wish that they will take a broader view of the matter than they may perhaps at first be inclined to take, and look at the question from all points of view and see whether really they cannot allow this matter to be adjourned to the next Council. After all, Sir, the measure is a controversial one, and we have heard from hon. Members from all sides that there are some difficulties connected with it. I am afraid there was a promise given some time ago that no more estates will be added to the list of impartible estates; I do not know how far it is true and I am not concerned with it now. On the face of it, it does look to me rather surprising that the extraordinary provisions of legislation should be put at the disposal of practically a private individual for an enactment of a Bill like this."

* Mr. J. A. SALDANHA :—"I beg to second this motion. In adding to the reasons of my hon. Friend, Mr. Ranganatha Mudaliyar, I may express my surprise that my hon. Friend on the other side, Mr. Prabhakaran Tampan, should be supporting this measure and feel anxious to carry this measure through all the stages at one sitting. He raised a sort of technical objection to a very careful measure, because it was not precise, and his reasons in the one case stand in contrast with those in the other. I for one do not see any reason why a private measure like this should be rushed through at one sitting, especially when it involved an important matter of personal interest. I have very great respect for the family. But the measure involves certain general principles, whether this Legislature should be responsible for measures like this, and whether in these days when you are passing a transitional stage, when we are happening spell-bound by wonderful things in England about primogeniture and other things. It is considered as one of the great stumbling blocks from an economic point of view . . ."

* The hon. the PRESIDENT :—"The hon. Member is going into the merits of the question. He must speak on the motion that the question be adjourned *sine die*."

* Mr. J. A. SALDANHA :—"I do not know if we are to be carried away by false analogies of that sort. But we should with patience discuss the point from the broad social, economic and political point of view which it deserves, and I therefore think that there will be nothing lost by postponing the consideration of this measure to the next Council."

Diwan Bahadur O. TANIKACHALA CHETTIAR :—"Mr. President, I beg to oppose this motion for adjournment *sine die*. So far as I am concerned with reference to this Bill, I applied to the Government for permission for its introduction as early as September 1925, and then the sanction from His Excellency the Viceroy through the Madras Government was received on the 1st of June last. Immediately I applied, having regard to the short time at

[Mr. O. Tanikachala Chettiyar] [31st August 1926]

the disposal of the Council, for leave to introduce the Bill and for its publication under rule 18. It was not taken up last time at the July sitting of the Council. Therefore, it has become all the more necessary for us to consider it now.

"So far as principles are concerned, they are crystallised in certain general principles which are well known, and I do not think I need take any length of time to go into them. Therefore, I do submit that no case has been made out for the postponement of the measure."

* Mr. K. PRABHAKARAN TAMPAN:—"May I also oppose the motion for adjournment? My hon. Friend Mr. Tanikachalam Chettiyar has said enough on the merits of it, and I want only to give an answer to what has been observed by Mr. Saldanha. He asked the question why I objected to his Bill being taken up to-day. The simple answer to that is that it was published only the day before yesterday, while this Bill was published long ago, and all people had ample time to go through its provisions. Therefore, I think that absolutely no case has been made out on that analogy that we should not proceed with this Bill to-day."

12-30 P.m. * Sriman BISWANATH DAS Mahasayo:—"I support the motion of my hon. Friend Mr. Ranganatha Mudaliyar. In the first place, we have now only a very thin House of about 32 or 33 Members out of a strength of 127. In the second place, Sir, the Government in 1903 took two years to enquire and bring in estates under the schedule of the Impartible Estates Act. In the present case we have only the statements of one or two hon. Members to proceed with the measure and we know nothing more than that. I may also submit in this connexion that the hon. the Leader of the House has stated some things which go against the letter and spirit of the Bill itself. This is a very important measure. I think my hon. Friends will agree that it should not be rushed through in an hour and passed by a thin House. Surely the desire to rush through an important legislative measure like this in one brief hour, finishing the first reading, the second reading and the third reading, is very unfair and is opposed to the custom and practice prevailing in other parliaments. On all these grounds I request my hon. Friends to support the motion."

The motion was put and declared lost.

Mr. Ranganatha Mudaliyar demanded a poll and the House divided thus:

Ayes: 5.

1. Mr. J. A. Saldanha.
2. " A. Ranganatha Mudaliyar.
3. " Abdul Hye Sahib.

4. Sriman Biswanath Das Mahasayo.
5. Mr. A. Chidambara Nadar.

Noes: 32.

1. The hon. Mr. N. E. Marjoribanks.
2. " Khan Bahadur Muhammad Uman Sahib Bahadur.
3. " Mr. T. E. Moir.
4. " Mr. A. Y. G. Campbell.
5. " Diwan Bahadur Sir T. N. Sivagunanam Pillai.
6. " Rao Bahadur Sir A. P. Patro.
7. " the Raja of Panagal.
8. Mr. G. T. Boag.
9. " V. Pandrang Rao.

10. Mr. O. B. Cotterell.
11. " K. Prabhakaran Tampan.
12. " C. E. Wood.
13. Sir Alexander MacDougall.
14. Diwan Bahadur O. Tanikachala Chettiyar.
15. Rao Bahadur C. Natesa Mudaliyar.
16. Mr. N. Devendrudu.
17. Rao Sahib P. V. Gopalan.
18. Mr. L. C. Guruswami.
19. Honorary Lieutenant Madurai.

31st August 1926]

Noes : 32—cont.

- | | |
|--------------------------------------|--|
| 20. Mr. C. Muttayya Mudaliyar. | 27. Rao Bahadur P. Ramen. |
| 21. „ B. Obalesappa. | 28. Rao Sahib R. Srinivasan. |
| 22. „ G. Premayya. | 29. Mr. Chayadi K. Subrahmanya Pillai. |
| 23. „ K. Raghuchandra Ballal. | 30. „ R. Veerian. |
| 24. „ D. Manjappa Heggade. | 31. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 25. Dr. P. Subbarayan. | 32. Rao Bahadur M. C. Raja. |
| 26. Diwan Bahadur M. Krishnan Nayar. | |

Neutral : 3.

- | | |
|---------------------------------------|------------------------------|
| 1. Mr. V. C. Vellingiri Gounder. | 3. Mr. T. N. Muhammad Sahib. |
| 2. Rai Bahadur T. M. Narasimhaachari. | |

The motion was lost.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—“Mr. President, Sir, I am thankful to the hon. the Leader of the House for having stated what was the principle which was in the minds of the Government when they passed the Impartible Estates Act in 1904. I may be permitted, however, to remind him that there have been additions to the Schedule of that Act of various estates such as the Vuyoor, Doddappanayakkanoor, etc. In some of these cases the principle which the hon. the Leader of the Opposition has referred to has not been kept in view and has been deviated from. For instance, in the case of Doddappanayakkanoor I am told that it has changed hands several times. It is not the members of the same family that have ultimately acquired it, but on account of its ancient history and the importance of the estate, it has been added to the list of impartible estates in spite of the fact that the person at whose instance or in whose time action was taken was not a descendant of the ancient zamindari family. In the case of Vuyoor also I am told it was part of the Peddapur estate and that it has changed hands. But the principle has been recognized and it has been permitted to be on the list. In this case, as has been pointed out by the hon. the Leader of the House, the estate originally formed part of the Peddapur principality whose history goes as far back as the 16th century. Though it has changed hands and though the principle recognized by the Government is that if it comes back into the hands of the member of that ancient family in whose family there has been this principle of primogeniture acknowledged, I do not see why in the family of Ranga Rao Garu where the principle of the law of primogeniture prevails, the principle of the Impartible Estates Act should not be applied and his estate made inalienable. No injustice is done to anybody such as to an outside creditor or to any child of the owner. Because there is only one child, the other child having been given away in adoption to the zamindar of Jetprole not being a member of the family. There is absolutely no impediment so far as one can see to this desire of the members of that family as expressed by the Maharaja of Bobbili and by his eldest son who is heir to his estate, viz., the Raja of Bobbili and by the present successor's eldest son to have the estate declared impartible. I do not see any reason why the desire of the Maharaja that his second son who cannot be heir to his estate may not be prevented from enjoying the estate. Moreover, Sir, I think having regard to the fact that there has been no objection on point of principle and, as has been pointed out by my hon. Friend from Trichinopoly that primogeniture or succession to only one heir is the characteristic feature of the English tenure, I do not see any reason why this tenure

[Mr. O. Tanikachala Chettiyar] [31st August 1926]

which is in existence in all ancient families should not be extended to the present case so that no encroachment is made on the family property. I therefore beg to move that the Bill be read in Council."

The motion was put and carried.

The Secretary read the title of the Bill.

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"Sir, I request that you will kindly exercise in my favour your discretion to suspend Standing Order No. 39 to enable me to move that the Bill be taken into consideration. There are only a few verbal amendments."

* Mr. K. PRABHAKARAN TAMPAN:—"I second it."

* Mr. A. RANGANATHA MUDALIYAR:—"I object to it."

* The hon. the PRESIDENT:—"May I know on what ground objection is taken?"

* Mr. A. RANGANATHA MUDALIYAR:—"On the same ground which I advanced earlier."

* The hon. the PRESIDENT:—"I am not concerned here with the question of principle. It is for the House to deal with it. I have only to see whether there is any serious objection to the Bill being taken up immediately. I see none and therefore I suspend the operation of Standing Order No. 39."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"I now beg to move that the Bill be taken into consideration."

Mr. A. RAMASWAMI MUDALIYAR:—"I second it."

Rai Bahadur T. M. NARASIMHACHARLU:—"I wish to know as a matter of information whether the person in whose favour this measure is being passed has any sons."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"I have mentioned it already. He has two sons, one of whom has been given away in adoption to the Raja of Jetprole and has therefore only one now."

Rai Bahadur T. M. NARASIMHACHARLU:—"I suppose that he has not yet lost the capacity for bringing forth other children (laughter). What I am going to say is that we are now transforming an estate into an impartible one. If there are sons already born or in the womb, I submit this will lead to difficulties as it would affect their vested rights. I wish to know therefore whether if this measure is passed it will affect the interests of persons who have not been represented by properly constituted guardians. I think before we take away one's right in this manner we ought to be sure that it will not do any such thing."

12-45 p.m. * Sriman BISWANATH DAS Mahasayo:—"Sir, my hon. Friend from Cuddapah has raised a very pertinent objection. One need not go to think whether there are sons or no sons. In fact, the zamindar who is concerned in this matter is himself present in the galleries . . ."

* The hon. the PRESIDENT:—"Order, order. I have ruled more than once that reference to the galleries is entirely out of order."

* Sriman BISWANATH DAS Mahasayo:—"I am sure and pray that God may bless him with a number of children. I wish that the aristocracy of our land be blessed with a number of children to whom could be given proper

31st August 1926] [Sriman Biswanath Das Mahasaya]

education and thus light and learning be brought to this country. Sir, in Bengal where the law of primogeniture is not taken as an accepted principle and where the Government have not safeguarded the interests of landholders with such an Impartible Estates Act, there we would find men of light and learning among Zamindars. In our country, owing to the Impartible Estates Act no provision has been made for brothers and second and succeeding sons of the zamindars who are not cared after. It is only two years back that we had a conference of the Kshatriyas of Ganjam, and I know many zamindars who gave very big promises, which resulted in nothing, regarding their educational possibilities; and I know not even of one zamindar who came forward with any contribution whatsoever. Now, Sir, my hon. Friend, representing the light and learning of the province comes forward to add one more estate to the schedule of the Impartible Estates without making any provisions for the brother and the other sons of the landholders either living or prospective children. I am sorry, therefore, Sir, to have to oppose this motion.

* Mr. J. A. SALDANHA :—“ Sir, I also join with my hon. Friend in opposing this motion. We are concerned not only with the present existing members who are adults but also with minor children who are not represented in this Council and the progeny of the Maharaja. The future progeny has to be borne in mind by this Council as well as by the present Maharaja in the matter of their maintenance and education. The system of primogeniture obtains in England as a precedent and a very ancient precedent. I do not know if all Englishmen are very proud of this institution. In fact, there are very eminent authorities who condemn the system altogether as uneconomical and not only as undemocratic but as uneconomical and against the interests of the people and the nation. It has been done away with in France, it does not exist in the great and progressive country, the United States of America, it does not exist in Switzerland and in so many other countries, it has been done away with in Russia. I do not hold Russia for the purpose of imitation, but surely the wisdom of the United States of America, I think, might be borne in mind by us instead of copying again and again a system which is prevailing in England. We are at the parting of the ways in this country. In passing a measure like this introducing the law of entail which will bind all future progeny, I think this House will have to be very careful. I would, therefore, oppose this motion for the Bill being taken into consideration by this House.”

The motion was put and carried and the Bill was taken into consideration.

Preamble:

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—“ Mr. President, there are only a few verbal amendments. In fact, after the Bill was drafted and sent out, the sanction of the Governor-General was obtained. Therefore, I beg to move

“that after the words “unrestricted powers of alienation in respect thereof” the words “and whereas the previous sanction of the Governor-General has been obtained” be added.”

Mr. A. RAMASWAMI MUDALIYAR :—“ I second it, Sir.”

The motion was put and carried and the amendment was made.

[31st August 1926]

Clause 2.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—" Mr. President, Sir, I beg to move

'that before the word " Godavari " the word " East " be added '."

Mr. A. RAMASWAMI MUDALIYAR :—" I second it, Sir."

The motion was put and carried and the amendment made.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—" Sir, I beg to move—

'that for the words " their respective present owners as well as of their " the words " the present owner as well as of his " may be substituted '."

Mr. A. RAMASWAMI MUDALIYAR :—" I second it."

The motion was put and carried and the amendment made.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—" I beg to move that the Bill as amended be passed into law."

Mr. A. RAMASWAMI MUDALIYAR :—" I second it, Sir."

The motion was then put and carried and the Bill as amended was passed into law.

VII

THE JAIN SUCCESSION BILL (OF MR. D. MANJAYYA HEGGADE).

Mr. D. MANJAYYA HEGGADE :—" Mr. President, Sir, I beg to move for leave of the House to introduce a Bill to amend the law of intestate succession among Jains governed by Aliyasantana law of inheritance."

* Mr. J. A. SALDANHA :—" I beg to second it, Sir."

The motion was carried and leave was granted to introduce the Bill.

VIII

A BILL TO AMEND THE MADRAS VILLAGE COURTS (AMENDMENT) ACT, 1919 (OF MR. R. VEERIAN).

* Mr. R. VEERIAN :—" As per Standing Order No. 37, I beg to move, Sir, for leave to introduce a Bill to amend the Madras Village Courts (Amendment) Act, 1919."

Rao Bahadur M. C. RAJA :—" I second it, Sir."

The motion was put and carried and leave granted.

IV—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920—cont.

* Mr. J. A. SALDANHA :—" After lunch we will take this up, Sir."

* The hon. the PRESIDENT :—" I think it is a fact, whatever may happen in regard to the original Bill, the Bill as amended in a very serious particular by the Select Committee has not received the sanction of the Governor-General. I do not know how we can proceed with it."

[31st August 1926]

APPENDIX I.

[Vide answer to question No. 2422 asked by Mr. V. C. Vellingiri Gounder at the meeting of the Legislative Council held on the 31st August 1926, page 379 supra.]

Statement showing the portion of unreserves declared as reserved forests in the Salem district from 1901.

Name of reserve.	Area in acres.	Classification according to Mr. Whitehead.
<i>North Salem division.</i>		
Denkanikota Extension	980	I
Hudaiadurgam	11,412	I
Aiyur Extension	3,922	I
Marandahalli Extension	8,038	I
Kempakurai	6,474	I
Thouluvabetta Extension	1,168	I
Nyamasabbiram Agraharam	424	I
Panai	17,387	I
Sanamavu	4,791	II
Do. Extension	9	II
Ubbarani	11,940	I
Urigam	7,984	I
Hullibanda	8,010	I
Pennagaram Extension	18	I
Kesarguli Extension	110	I
Beevanurmalai Extension	203	I
Do. II Extension	5	I
Varatanapalli Extension I to III	42	II
Naralapalli	3,760	II
Total	86,740	or 136 sq. miles.
<i>Central Salem division.</i>		
Badanavadi Extension	425	I
Tirumanur and Extension	4,462	I
Mallur part, ...	5,748	I
Bonmiyampatti	1,814	I
Kanjeri Extension	247	I
Kavaramalai Extension	834	I
Gonur	2,410	II
Sbolapadi A and B Block	3,513.80	II
Do. Extension A	175	II
Jarugumalai	7,110	II
Mallur part	720	III
Veppampatti Extension	4,254	I
Chitlingi Extension	3,069	I
Kottapatti Extension	13,436	I
Karungal	5,388	I
Nochikuttai Extension	4,122	I
Kalnad extension	1,585	I
Kurichi	3,409	I
Velampatti	4,839	I
Pallipatti Extension	3,692	I
Kallavi	4,042	III
Thirthagiri	1,887	} Not classified.
Arana	1,903	
Total	77,654.14	or 121 sq. miles.

31st August 1926]

Statement showing the portion of unreserves declared as reserved forests in the Salem district from 1901—cont.

Name of reserve.	Area in acres.	Classification according to Mr. Whitehead.
<i>North Salem division.</i>		
Shelur	13,425	I.
Asiyur Shola	1,090	I
Gundur	2,464	I
Shelur Extension	532	I
Vengamudi	212	I
Periasholai	838	I
Vengarai	327	I
Vedambiyam	3,102	I
Veppadi	3,447	I
Paithur	13,145	I
Atur-Manmalai	3,726	I
Bailnad	13,427	} Not classified.
Adukkam-Pudukombai	4,452	
Peruamalmalai	4,503	

APPENDIX II.

[Vide item III on page 389 supra.]

I

BILL No. 8 OF 1925.

Report of the Select Committee on Mr. Veerian's Bill to amend the Madras Local Boards Act, 1920 (Act No. XIV of 1920).

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

We, the members of the Select Committee appointed to consider Mr. Veerian's Bill to amend the Madras Local Boards Act, 1920 (Bill No. 8 of 1925), have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on the 5th May 1925, in Tamil on the 12th May 1925, in Telugu, Malayalam and Kanarese on the 19th May 1925 and in Oriya on the 2nd June 1925.

3. The Committee met on the 10th February, and 19th March 1926. The following are the main changes made in the Bill.

[31st August 1926]

4. *Clause 2.*—The Committee considered that a substantive provision should be made to declare the right of all members of the public irrespective of caste or creed to the use of public roads constructed or maintained at the cost of local funds and that a penalty should be provided for obstruction of the user of such roads. The proposed section 157-A has been redrafted accordingly.

5. *Clause 3.*—This has been omitted as the Committee considered that the Bill should be confined for the present to public roads and markets.

6. *Clause 4.*—The proposed addition to section 167 has been slightly modified so as to conform to the wording of proposed section 157-A.

7. *Clause 5.*—Necessary amendments have been made in this clause with reference to the alterations in clauses 2 to 4.

8. The Committee have made some verbal alterations in the form of the Bill.

9. A copy of the Bill as amended by the Select Committee is appended. The Committee do not consider that the Bill has been so altered as to require republication.

P. RAMARAYANINGAR.

K. V. REDDI.

A. CHIDAMBARA NADAR.

T. R. V. SASTRI.

T. M. MOIDOO.

J. A. SALDANHA*.

M. KRISHNAN NAIR.

M. C. RAJAH.

R. VEERIAN, M.L.C.

SAHIB MEHRBAN-I-DOSTAN SRI

RAMACHANDRA MARDARAJA DEO;

Zamindar of Kallikota.

R. SRINIVASAN*.

A. RAMASWAMI MUDALIYAR.

31st August 1926]

MINUTES OF DISSENT.

I

I am against any special penalties for obstruction in the use of a public road or market for which there is provided a punishment under section 341, Indian Penal Code, up to one month's simple imprisonment or a fine of Rs. 500 or both. I cannot trace any provision in the Municipal or the Local Boards Act which duplicates penalties in the case of offences punishable under the penal code :—

(2) Besides it seems to me that the proper place for the additional section as to roads under clause (2) would be in or after section 60 of the Local Boards Act which vests all public roads in local bodies. The provision as to public markets appears superfluous.

1st June 1926.

J. A. SALDANHA.

II

I regret I cannot agree to the omission of the clause (3) of the Bill dealing with springs, tanks, wells, etc. The object of the Bill being to bring the provisions contained in the G.O. No. 2660, L. & M., of the 25th September 1924, published in the *Fort St. George Gazette*, to be definitely accepted and announced as the policy of the Government, and make them into law, the breach of which would be punishable under the Madras Local Boards Act, 1920, the omission goes not only to neglect the recommendation of the Legislative Council and the policy of the Government, but it will give an inference to the public that the public springs, tanks and wells are not accessible to any person belonging to the Depressed classes. Since the publication of the above Government Order several tanks and wells were made accessible to the members of the Depressed classes. There will be a reaction by the omission of the clause (3) of the Bill. In the interest of the Depressed and other similar communities, I think that the tanks and wells also should be included in the Bill as provided for in clause (3) aforesaid.

POONAMALLEE,
14th June 1926.

R. SRINIVASAN.

[31st August 1926]

II

Appendix.

BILL No. 8 OF 1925.

A

BILL

TO

Amend the Madras Local Boards Act, 1920 (Act No. XIV of 1920).

(As amended by the Select Committee.)

WHEREAS it is expedient to amend the Madras Local Boards Act, 1920; It is hereby enacted as follows:—

1. This Act may be called the “Madras Local Boards (Amendment) Act, 1926.”

2. After section 157 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act), the following section shall be inserted, namely—

“157-A. All roads vested in or maintained by the local boards shall be open to persons of whatever caste or creed.”

3. In section 167 of the said Act, after the words “public markets,” the following words shall be added, namely—

“and such markets shall be open to persons of whatever caste or creed.”

4. In Schedule VIII to the said Act—

(1) after the item relating to section 157; the following item shall be inserted, namely—

157-A. Obstructing a person in the use of roads. One hundred rupees.

(2) after the item relating to section 166, the following item shall be inserted, namely—

167. Obstructing a person in the use of public markets. One hundred rupees.

31st August 1926]

APPENDIX III.

[Vide item VI on page 388 supra.]

BILL No. 4 OF 1926.

A Bill to declare the Kirlampudi B and C Estates, Dontamuru and Rayavaram Estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

WHEREAS it is expedient to declare that the Kirlam- Preamble.
pudi B and C Estates, Dontamuru and Rayavaram Estates,
are impartible and that their proprietors cannot exercise
unrestricted powers of alienation in respect thereof; It is,
hereby enacted as follows :—

1. This Act may be called 'The Kirlampudi B and C Estates, Dontamuru and Rayavaram Impartible Estates Short title.
Act, 1926'.

2. Notwithstanding any decision of Courts, rule of Kirlampudi
law or enactment to the contrary, the Kirlampudi B B and C
Estate, except the village of Kirlampudi, Kirlampudi C Estates,
Estate, Dontamuru and Rayavaram Estates in the Goda- Dontamuru
vari district, are hereby declared to be impartible estates and Raya-
within the meaning of the Madras Impartible Estates Act, to be impartible
1904, and shall in the hands of their respective present meaning of
owners as well as of their heirs and successors be subject the Madras
to the provisions of that Act. Impartible
Estates Act,
1904.

3. This Act shall not affect any alienation made, or Savings.
debt incurred before the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

Raja Sri Ravu Ramakrishna Ranga Rao Bahadur Garu, son of
Maharajah Sri Ravu Sir Venkata Swatachalapati Ranga Rao
Bahadur Garu, G.C.I.E., C.B.E., Maharajah of Bobbili, obtained
by a Deed of Settlement, dated the 6th November 1916, from his
father the Maharajah of Bobbili the Estate of Kirlampudi B, the
undivided half of the Estate of Kirlampudi C, Dontamuru and
Rayavaram Estates. The said Rajah Sri Ravu Ramakrishna
Ranga Rao Bahadur has purchased the other undivided half of the
Estate of Kirlampudi C under Deeds of Sale, dated 6th February
1917 and 31st August 1918.

[31st August 1926]

The said several estates were comprised in and formed part of the ancient, impartible and inalienable, principality of Peddapur, running as far back as the 16th century. The descendants of the ancient family which held the zamindari were governed by custom and the law of primogeniture. It was with one of the descendants of this ancient family that the permanent settlement was made by the British Government.

The Maharajah of Bobbili was the holder of the ancient impartible and inalienable estate known as 'The Zamindari of Bobbili' which partook of the nature of Raj or principality and the family of the said Maharajah of Bobbili is governed by the custom and law of primogeniture.

The Maharajah of Bobbili conferred upon his said second son Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur Garu the abovementioned estates for the purpose of the said Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur Garu maintaining the status of the family.

The said Kirlampudi B and C Estates, Dontamuru and Rayavaram Estates, which formed part of the ancient, impartible and inalienable estates governed by the custom and law of primogeniture have thus passed into a family governed by the same custom and law and are held by a member of an ancient family.

The said estates yield an annual income of Rs. 1,06,516-6-7 odd paying a peishkash of Rs. 16,168-13-8 to Government. The said Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur Garu, who is the sole owner of the properties, has expressed his desire and intention that the estates should be held as an impartible and inalienable estate, governed by the law of primogeniture, that they should not be dismembered and that the family custom, status, dignity should be upheld in his line, and the present case falls within the principles underlying the enactment of the Madras Act II of 1904 and the Maharajah of Bobbili and the present Rajah of Bobbili approve of and consent to the said Kirlampudi B and C Estates, Dontamuru and Rayavaram being treated as impartible and inalienable to enable the family of the holder to preserve the dignity, status and sphere of usefulness. The said Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur has at present only one son, his second son has been given away in adoption to the Rajah of Jetprole and thereby ceased to belong to the family; as there is no legal impediment in the way of a Legislative Declaration, it is desirable that these estates should be included in Annexure (1) to the Schedule to the Impartible Estates Act II of 1904.

3rd June 1926.

O. THANIKACHELLA CHETTY.

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